Executive Summary – Enforcement Matter – Case No. 51757 Martin Operating Partnership L.P. RN102605136 Docket No. 2016-0096-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – IHW, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Stanolind Cut Terminal, located at Number 10 Sulphur Plant Road, 0.7 mile east of the interchange of State Highway 380 and U.S. Route 69, southwest of Beaumont, Jefferson County

Type of Operation:

Storage and distribution facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 10, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,253

Amount Deferred for Expedited Settlement: \$2,850 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,703 **Total Due to General Revenue:** \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$2,850

Name of SEP: Big Thicket Association (Third-Party Pre-Approved)

Supplemental Environmental Project ("SEP") Conditional Offset: \$2,850

Name of SEP: National Audubon Society, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: November 10, 2015

Date(s) of NOE(s): January 5, 2016

Violation Information

- 1. Failed to prevent the bypass of untreated or partially treated industrial wastewater into or adjacent to any water in the state. Specifically, industrial wastewater bypassed the metals treatment system from July 18 through July 20, 2014, that resulted in the failure to comply with permitted effluent limitations for pH and total zinc. The permitted limit for pH is between 6.0 standard units ("S.U.") and 9.0 S.U. and the permitted limit for total zinc daily maximum and single grab is 0.449 milligrams per liter ("mg/L"). The values reported on the non-compliance notification were 2.2 S.U. and 2.3 S.U for pH, and 2.061 mg/L and 1.661 mg/L for total zinc [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 305.535(c)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004074000, Permit Conditions No. 2.h.].
- 2. Failed to prevent the bypass of untreated or partially treated industrial wastewater into or adjacent to any water in the state. Specifically, industrial wastewater bypassed the metals treatment system from June 26 through June 28, 2014, that resulted in the failure to comply with permitted effluent limitations for total zinc. The permitted limit for total zinc daily maximum and single grab is 0.449 mg/L. The value reported on the non-compliance notification was 0.539 mg/L [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 305.535(c)(1), and TPDES Permit No. WQ0004074000, Permit Conditions No. 2.h.].
- 3. Caused, suffered, allowed, or permitted the unauthorized discharge of industrial solid waste. Specifically, several sulfur spills were noted along the rail line on the southeast side of the Facility; inside the southeast side of the bermed area of the tank farm; and on the ground in the truck sulfur pit on the northeast side of the Facility [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 335.4, and TPDES Permit No. WQ0004074000, Operational Requirements No. 11.a.].
- 4. Failed to prevent the unauthorized discharge of industrial wastewater into or adjacent to any water in the state. Specifically, steam condensate was dripping from overhead steam lines on the outside of the containment levee and standing steam condensate was on the ground outside of the containment levee in the truck sulfur pit area. Additionally, it was noted that steam condensate from a steam relief pipe located on the north side of the Facility was running down the bank into the Neches River [Tex. Water]

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CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0004074000, Permit Conditions No. 2.g.].

- 5. Caused, suffered, allowed, or permitted the storage of industrial solid waste in such a manner so as to cause the discharge or imminent threat of discharge of industrial solid waste into or adjacent to any water in the state. Specifically, a drum located outside the roofed storage area was full of liquid and missing bung plugs, a drum labeled Pine DX located under the roofed area was missing a bung plug, and a drum labeled Caprinus Oil XR SAE 40 located on the edge of the roofed area had an oily substance spilled on the top of the drum [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 335.4, and TPDES Permit No. WQ0004074000, Operational Requirements No. 11.a.].
- 6. Failed to perform all measurements, tests, and calculations in a representative manner to ensure the accurate reporting of data. Specifically, instead of the necessary statement and a value of zero (0), the detection limit of 0.005 mg/L was reported for daily average and daily max copper values on the September 2015 discharge monitoring report [30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004074000, Other Requirements No. 2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By December 22, 2015, updated the Facility's operational guidance to ensure the proper calculation and necessary statement are utilized for reporting zero (0) on the monthly discharge monitoring reports when the sample result for any parameter is less than or equal to the minimum analytical level listed in the permit.
- b. By December 23, 2015:
- i. Upgraded the maximum capacity of the metals treatment system to 200 gallons per minute, allowing for the proper management of wastewater during periods of elevated rainfall;
- ii. Updated the Facility's operational guidance to ensure spilled sulfur is properly handled and the areas affected by the sulfur discharge are cleaned;
- iii. Cleaned the areas affected by sulfur discharges and properly disposed of the spilled sulfur;

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iv. Installed a capture sump, return pumps, containment curbing, and berms to capture discharged steam condensate from non-permitted areas and route it to the main containment area that is monitored at Outfall No. 001;

- v. Rerouted the steam relief pipe located on the north side of the Facility to discharge into the dock water tank containment area, which is pumped and hauled off site; and
- vi. Installed the missing bung plugs, properly cleaned the oily material from the drum, and placed the drums under the storage area roof.

Technical Requirements:

The Order will require the Respondent to implement and complete two SEPs (see SEP Attachments A and B).

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A **SOAH Referral Date:** N/A **Hearing Date(s):** N/A **Settlement Date:** N/A

Contact Information

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Larry Butler, Enforcement Division,

Enforcement Team 3, MC 169, (512) 239-2543; Michael Parrish, Enforcement Division,

MC 219, (512) 239-2548

TCEO SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,

MC 219, (512) 239-3565

Respondent: Scot Shoup, Senior Vice President of Operations, Martin Operating

Partnership L.P., P.O. Box 191, Kilgore, Texas 75662

Respondent's Attorney: N/A

Attachment A

Docket Number: 2016-0096-MLM-E SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Martin Operating Partnership L.P.
Penalty Amount:	Eleven Thousand Four Hundred Three Dollars (\$11,403)
SEP Offset Amount:	Two Thousand Eight Hundred Fifty Dollars (\$2,850)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Big Thicket Association
Project Name:	Wetland Species and Ecosystems Analysis
Location of SEP:	Neches and Sabine River Basins

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Big Thicket Association** for the *Wetland Species and Ecosystem Analysis* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ. Specifically, the SEP Offset Amount will be used to inventory an additional taxonomic group, such as lichens, bryophytes, mussels, mollusks, amphibians, fish, or birds (the "Project"). The Project will involve collecting specimens from the Preserve as well as wetland properties in Orange and Jefferson Counties, which are in the process of being donated to the Preserve. Currently, a Memorandum of Understanding regarding the impending donation is in place that will allow inventory of these properties. These properties have never been inventoried and need data for resource management. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Martin Operating Partnership L.P. Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This Project will benefit the environment by identifying the biodiversity, both native and exotic, in wetland wildlife corridors to assist in stewardship and sustainability. It will also assess the state of pollution indicator species to determine the impact of pollution on the Preserve. Additionally, inventories will identify areas where invasive species are present and aid in the analysis of harmful invasive species spreads and their impacts so that areas for removal can be identified.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Big Thicket Association SEP** and shall mail the contribution with a copy of the Agreed Order to:

Big Thicket Association Attention: Jan Ruppel, President P.O. Box 198 Saratoga, Texas 77585

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087 Martin Operating Partnership L.P. Agreed Order - Attachment A

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or the Project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Attachment B

Docket Number: 2016-0096-MLM-E SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Martin Operating Partnership L.P.
Penalty Amount:	Eleven Thousand Four Hundred Three Dollars (\$11,403)
SEP Offset Amount:	Two Thousand Eight Hundred Fifty Dollars (\$2,850)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	National Audubon Society, Inc. d/b/a Audubon Texas
Project Name:	Texas Coastal Island Stewardship Program

Location of SEP:

Anderson, Andrews, Aransas, Archer, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bexar, Blanco, Borden, Bosque, Brazoria, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell. Calhoun, Callahan, Cameron, Castro, Chambers, Clay, Cochran, Coke, Coleman, Collin, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Crockett, Crosby, Dallas, Dawson, Denton, DeWitt, Dickens, Dimmit, Duval, Eastland, Ector, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Fort Bend, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Grayson, Grimes, Guadalupe, Hale, Hamilton, Hardin, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hunt, Irion, Jack, Jackson, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall. Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamb, Lampasas, La Salle, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Menard, Medina, Midland. Milam, Mills, Mitchell, Montague, Navarro, Nolan, Nueces, Palo Pinto, Parker, Parmer, Polk, Reagan, Real, Refugio, Robertson, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terry, Throckmorton, Tom Green, Travis, Trinity, Upton, Uvalde, Van Zandt, Walker, Waller, Washington, Victoria, Webb, Wharton, Willacy, Williamson, Wilson, Winkler, Wise, Yoakum, Young, and Zavala Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

Martin Operating Partnership L.P. Agreed Order - Attachment B

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the National Audubon Society, Inc. d/b/a Audubon Texas for the Texas Coastal Island Stewardship Program. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used for a portion of its lease payments for the islands where this Project will take place. The SEP Offset Amount will also be used for predator control activities, including traps, baits, fire ant control, and fuel for accessing the islands to place the traps and baits. Contractors will also be hired periodically to conduct larger-scale predator control activities such as feral hog removal. The Third-Party Administrator shall also use SEP Offset Amount for restoration activities, including planting native trees and shrubs. herbicide for invasive species removal, equipment such as rakes and shovels for manual invasive species removal, and fuel for transporting volunteers and staff for restoration activities. Restoration activities will also include purchase and disposal of a Bagster in order to remove collected trash from the islands. The Third-Party Administrator shall also purchase materials for building nesting towers, purchase "No Trespassing" signs, and hire a contractor to install the signs across the islands.

The Third-Party Administrator shall use the SEP Offset Amount for personnel labor through its warden program. Wardens shall conduct monitoring, habitat enhancement, and predator management. Wardens shall also conduct island management activities such as patrolling and counting bird populations by boat during the nesting season, developing new nesting habitat through plantings, and monitoring predator activity and erosion. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

Martin Operating Partnership L.P. Agreed Order - Attachment B

b. Environmental Benefit

The populations of many species of water bird located along the Texas coast have been declining. Healthy feeding and nesting habitats are essential to the water birds' ability to survive and successfully reproduce. This Project addresses threats to water bird habitats such as erosion and subsidence, loss of nesting vegetation, fire ants, human disturbance, and mammal predators. This Project will also improve water quality in and around the island sanctuaries.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **National Audubon Society, Inc. d/b/a Audubon Texas SEP** and shall mail the contribution with a copy of the Agreed Order to:

National Audubon Society, Inc. d/b/a Audubon Texas Attn.: Sharyl Sliger, Director of Finance & Administration 2201 Main Street, Suite 600 Dallas, Texas 75201

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087 Martin Operating Partnership L.P. Agreed Order - Attachment B

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 19-Jan-2016 DATES Assigned Screening 20-Jan-2016 PCW 3-Mar-2016 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Martin Operating Partnership L.P. Reg. Ent. Ref. No. RN102605136 Major/Minor Source Minor Facility/Site Region 10-Beaumont CASE INFORMATION No. of Violations 6 Enf./Case ID No. 51757 Docket No. 2016-0096-MLM-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit No Multi-Media Industrial and Hazardous Waste Enf. Coordinator Larry Butler EC's Team Enforcement Team 3 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$9,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 25.0% Subtotals 2, 3, & 7 \$2,375 Enhancement for one month of self-reported effluent violations and one Notes agreed order with a denial of liability. 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 -\$2,372 50.0% Enhancement* Subtotal 6 \$4,750 Total EB Amounts Capped at the Total EB \$ Amount \$15,630 Estimated Cost of Compliance \$14,253 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

\$14,253

\$14,253

-\$2,850

\$11,403

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Docket No. 2016-0096-MLM-E

PCW

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent Martin Operating Partnership L.P.

Case ID No. 51757

Reg. Ent. Reference No. RN102605136 Media [Statute] Water Quality Enf. Coordinator Larry Butler

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audie	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ease Enter Yes or No	·
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	rcentage (Sub	total 2)
eat Violator No	(Subtotal 3) Adjustment Per	rcantaga (Sub	total 2)
		centage (Sub	ilulai 3)
ipliance Hist	ory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Per	centage (Sub	total 7)
pliance Hist	ory Summary		
Compliance History Notes	Enhancement for one month of self-reported effluent violations and one agreed denial of liability.	order with a	-

Screening Date		PCW
Respondent Case ID No.	Martin Operating Partnership L.P.	Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg. Ent. Reference No.		PCW REVISION MATCH 20, 2014
Media [Statute]		
Enf. Coordinator		
Violation Number		
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1 305.535(c)(1), and Texas Pollutant Discharge Elimination System ("TPDE No. WQ0004074000, Permit Conditions No. 2.h	
Violation Description	Failed to prevent the bypass of untreated or partially treated industrial we into or adjacent to any water in the state, as documented during an inveconducted on November 10, 2015. Specifically, industrial wastewater by metals treatment system from July 18 through July 20, 2014, that result failure to comply with permitted effluent limitations for pH and Total Zipermitted limit for pH is 6.0-9.0 standard units (S.U.) and the permitted Total Zinc daily maximum and single grab is 0.449 milligrams per liter (more values reported on the non-compliance notification were 2.2 S.U. and 2.061 mg/L and 1.661 mg/L for Total Zinc.	estigation coassed the ted in the nc. The t limit for g/L). The
	Bas	e Penalty \$25,000
>> Environmental, Prope	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual Potential	X Percent 15.0%	·
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
[303368.403000 <u>,11111</u>	Percent 0.0%	
SSSSSSSSSS Matrix B	or the environment has been exposed to significant amounts of pollutants evels that are protective of human health or environmental receptors as a this violation.	
	Adjustment	\$21,250
		\$3,750
/iolation Events		
riolation Evelits		
Number of \	/iolation Events 1 Number of violation	days
4	dally	
•	weekly :::::	
mark only one	monthly x Violation Bas	e Penalty \$3,750
with an x	semiannual Violation Basi	3 Peliatty \$3,730
	annual <u>Designation</u>	
	single event.	
One monthly	event is recommended, calculated for the dates the bypass occurred (July	, 10 hdy
One monany	20, 2014).	- To-July
Sood Faith Efforts to Com		Reduction \$937
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary x	
	N/A (mark with x)	
	Netes The Respondent completed corrective actions by	•
	Notes December 23, 2015.	
	Violation	Subtotal \$2,813
Economic Benefit (EB) for	this violation Statutory Limit	Test
Fetimate	d EB Amount \$15,561 Violation Final Pena	alty Total \$5,626
mou		
	This violation Final Assessed Penalty (adjusted f	or limits) \$5,626

COSC IN HAT	51757						
eg. Ent. Reference No.							
	Water Quality					Percent Interest	Years of Depreciation
Violation No.			100005000000000000000000000000000000000				
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$148,880	26-Jun-2014	23-Dec-2015	1.49	\$741	\$14,820	\$15,561
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	<u>\$0</u>	n/a	<u>\$0</u>
Remediation/Disposal				0.00	<u>\$0</u>	n/a	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs	minute, all	owing for the pro	per managemer	0.00 pacity of it of wa	istewater during p	n/a n/a ment system to 200 eriods of elevated r effluent exceedance	\$0 D gallons per ainfall. Date
	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	0.00 pacity of it of way ypass to Beaun compl	\$0 of the metals treat astewater during p hat resulted in an nont Regional Office eted.	n/a ment system to 200 eriods of elevated r effluent exceedance te stating capacity u	\$0 D gallons per ainfall. Date e. Final date is ipgrades were
Other (as needed)	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	0.00 pacity of waypass to Beaun complements	\$0 of the metals treat astewater during p hat resulted in an nont Regional Office eted. ng item (except	n/a ment system to 200 eriods of elevated r effluent exceedance	\$0 D gallons per ainfall. Date e. Final date is apgrades were
Other (as needed) Notes for DELAYED costs	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	0.00 pacity of the of way pass to Beaun complements of the	\$0 of the metals treat astewater during p hant resulted in an hont Regional Office eted. ng item (except \$0	n/a ment system to 200 periods of elevated r effluent exceedance te stating capacity to for one-time avoid	\$0 Digallons per ainfall. Date e. Final date is ipgrades were ded costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	o.00 pacity of waypass to Beaum complemterir 0.00 0.00	\$0 of the metals treat stewater during p hat resulted in an nont Regional Office eted. g item (except 1 \$0 \$0	n/a ment system to 200 eriods of elevated r effluent exceedance te stating capacity to for one-time avoid	\$0) gallons per ainfall. Date e. Final date is apgrades were ded costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	pacity of the office of the of	\$0 of the metals treat astewater during p hat resulted in an nont Regional Office eted. sg item (except \$0 \$0 \$0	n/a ment system to 20% eriods of elevated reffluent exceedance te stating capacity to for one-time avoid \$0 \$0 \$0 \$0	\$0) gallons per ainfall. Date e. Final date is upgrades were ded costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	o.00 pacity of waypass t Beaun comple enterir 0.00 0.00 0.00	\$0 of the metals treat astewater during p hat resulted in an nont Regional Office eted. sg item (except of the solution) \$0 \$0 \$0 \$0	m/a ment system to 20% eriods of elevated r effluent exceedance te stating capacity to for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0) gallons per ainfall. Date e. Final date is upgrades were ded costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	o.00 pacity of waypass t Beaun comple enterir 0.00 0.00 0.00 0.00	\$0 of the metals treat astewater during p hat resulted in an nont Regional Office eted. so \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ment system to 200 eriods of elevated re effluent exceedance te stating capacity to for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0) gallons per ainfall. Date e. Final date is ipgrades were ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	o.00 pacity of the office office of the offi	\$0 of the metals treat stewater during p hat resulted in an nont Regional Office eted. s0 s0 s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	m/a ment system to 204 eriods of elevated reffluent exceedance e stating capacity to for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Digallons per ainfall. Date e. Final date is apgrades were ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	o.00 pacity of waypass t Beaun comple enterir 0.00 0.00 0.00 0.00	\$0 of the metals treat astewater during p hat resulted in an nont Regional Office eted. so \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ment system to 200 eriods of elevated re effluent exceedance te stating capacity to for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0) gallons per ainfall. Date e. Final date is ipgrades were ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	minute, all required is th the date doc	owing for the pro ie date of the firs umentation was s	per managemer t documented b submitted to the	o.00 pacity of the office office of the offi	\$0 of the metals treat stewater during p hat resulted in an nont Regional Office eted. s0 s0 s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	m/a ment system to 204 eriods of elevated reffluent exceedance e stating capacity to for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Digallons per ainfall. Date e. Final date is apgrades were ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date			ocket No. 2016-0096-		PCW
Respondent Case ID No.	Martin Operating Pa	rtnership L.P.			Revision 4 (April 2014) evision March 26, 2014
Reg. Ent. Reference No.				PCW R	vision riai Ui 20, 2014.
Media [Statute]	Water Quality				
Enf. Coordinator Violation Number	······································				
Violation Number Rule Cite(s)		de 8-26-121/5V/1V 2) Tex. Admin. Code §§ 30	5 125(1) and	
• •	rex. Water Cot		VQ0004074000, Permit C	TO THE SECOND PROPERTY OF THE SECOND	
	Entland to account to		d as asalishi basabad iadi		
			d or partially treated indu te, as documented during		
Violation Description	Branch and the control of the contro		tifically, industrial wastew through June 28, 2014, th		
Violation Description	failure to comply v	with permitted effluer	it limitations for Total Zind	The permitted	
	(a)		nd single grab is 0.449 mg nce notification was 0.539	CONTRACTOR OF THE STREET, 1997 AND 1998	
				Base Penalty	\$25,000
> Environmental, Prope	tv and Human	Health Matrix			
	ŀ	Harm			
Release OR Actual		oderate Minor	1		
Potential			Percent	5.0%	
>Programmatic Matrix					
Falsification	Major Mo	oderate Minor	T		
			Percent	0.0%	
Human health	or the environment	has been exposed to	insignificant amounts of	pollutants that do	
Matriy A		ve of human health o	r environmental receptors	•	
		violation.			
			Adjustment	\$23,750	
				Γ	\$1,25
				L	7.1/2-3
iolation Events					
Number of \	Violation Events	1	Number of v	iolation days	
!	daily				
	weekly				
mark only one	monthly		\$4! - 1 s.	: n nk[et 25
with an x	quarterly semiannual	_X	violat	ion Base Penalty	\$1,25
	annual 🔢				
	single event				
One quarterly	event is recommend	ded, calculated for th	e dates the bypass occurr	ed (June 26-June	
		28, 2014).			
<u> </u>	227		393788339839839833333333333333333333333		
lood Faith Efforts to Com		NOE/NOV NOE/NOV to E	EDPRP/Settlement Offer	Reduction [\$31
	Extraordinary				
	Ordinary	X.			
	N/Al	(mark with x)		·	
	Notes		pleted corrective actions ber 23, 2015.	by	
		Decen	per 23, 2015.		
			Vi	olation Subtotal	\$93
conomic Benefit (EB) for	this violation		Statutory	Limit Test	
	ed EB Amount	\$0	•	nal Penalty Total	\$1,876
25011140	***************************************	`	J		
		rms violation Final	Assessed Penalty (adj	usted for HMHS)	\$1,876

	Martin Operat	ing Partnership L.I	> .				
Case ID No.	51757	,					
ea. Ent. Reference No.		1.					
	Water Quality						Years of
Violation No.	- ,				;	Percent Interest	Depreciation
Violation ito.	-					5.0	
						*****	1
		Date Required	rinai vate	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	*******	****************************		********	THE SHORT SHALL HAVE BEEN AND AND AND AND AND AND AND AND AND AN		
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		ļI		0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated			pacity		tment system is cap	
		Ec	onomic Benefit	pacity Works	of the metals trea heet for Violation I ng item (except	tment system is cap	tured in the
Notes for DELAYED costs Avoided Costs Disposal		Ec	onomic Benefit	pacity Works enterin 0.00	of the metals trea heet for Violation I ng item (except \$0	tment system is cap No. 1. for one-time avoid	itured in the
Notes for DELAYED costs Avoided Costs Disposal Personnel		Ec	onomic Benefit	pacity Works entering 0.00 0.00	of the metals trea heet for Violation I ng item (except \$0 \$0	tment system is cap No. 1. for one-time avoid \$0 \$0	etured in the ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling		Ec	onomic Benefit	pacity Works enterin 0.00 0.00	of the metals trea heet for Violation I 1g item (except \$0 \$0 \$0	tment system is cap No. 1. for one-time avoid \$0 \$0 \$0	etured in the
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment		Ec	onomic Benefit	pacity Works enterin 0.00 0.00 0.00	of the metals trea heet for Violation I ng item (except \$0 \$0 \$0	tment system is cap No. 1. for one-time avoid \$0 \$0 \$0 \$0	etured in the ded costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]		Ec	onomic Benefit	pacity Works enterir 0.00 0.00 0.00 0.00	of the metals trea heet for Violation I ng item (except \$0 \$0 \$0 \$0 \$0	tment system is cap No. 1. for one-time avoid \$0 \$0 \$0 \$0 \$0	tured in the ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]		Ec	onomic Benefit	pacity Works enterin 0.00 0.00 0.00 0.00 0.00	of the metals trea heet for Violation I ng item (except \$0 \$0 \$0 \$0 \$0 \$0	tment system is cap No. 1. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	tured in the section
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]		Ec	onomic Benefit	pacity Works enterir 0.00 0.00 0.00 0.00	of the metals trea heet for Violation I ng item (except \$0 \$0 \$0 \$0 \$0	tment system is cap No. 1. for one-time avoid \$0 \$0 \$0 \$0 \$0	tured in the ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]		Ec	onomic Benefit	pacity Works enterin 0.00 0.00 0.00 0.00 0.00	of the metals trea heet for Violation I ng item (except \$0 \$0 \$0 \$0 \$0 \$0	tment system is cap No. 1. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	tured in the section

Screening Date		PCW
Respondent Case ID No.	Martin Operating Partnership L.P.	Policy Revision 4 (April 2014)
Reg. Ent. Reference No.		PCW Revision March 26, 2014
Media [Statute]		
Enf. Coordinator	various francisco de la constant	
Violation Number Rule Cite(s)		
Rule Cite(5)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 33 and TPDES Permit No. WQ0004074000, Operational Requirements No. 11	
Violation Description	Caused, suffered, allowed, or permitted the unauthorized discharge of indus solid waste, as documented during an investigation conducted on November 2015. Specifically, several sulfur spills were noted along the rail line on the southeast side of the Facility; inside the southeast side of the bermed area of tank farm; and on the ground in the truck sulfur pit on the northeast side of Facility.	10, ne f the
voveen	Base Pe	enalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual		
Potential	Percent 5.0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0.0%	
<u> </u>	Percent 0.0%	
	or the environment has been exposed to insignificant amounts of pollutants th	
Notes not exceed lev	els that are protective of human health or environmental receptors as a result violation.	of this
<u>Liiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiiii</u>	#Madulas	<u></u>
	Adjustment \$2	23,750
		\$1,250
Violation Events		
Number of V	iolation Events 1 Number of violation days	5
	daily	
ત્ર	weekly seeming	
mark only one	monthly quarterly X Violation Base Pe	enalty \$1,250
with an x	semiannual	
	annual Constant Const	,
	single event	
One quarter	y event is recommended from the investigation date of November 10, 2015 to	the
	compliance date of December 23, 2015.	
Good Faith Efforts to Comp	Dly	uction \$312
	Extraordinary	
	Ordinary	
	N/A (mark with x)	
	Notes The Respondent achieved compliance by December 23, 2015.	
,	Violation Sub	ototal \$938
Economic Benefit (EB) for	this violation Statutory Limit Te	ct
Estimate	d EB Amount \$4 Violation Final Penalty	
	This violation Final Assessed Penalty (adjusted for li	mits) \$1,876

	E	conomic	Benefit	Wo	rksheet		
Respondent	Martin Operati	ng Partnership L.	Р.				
Case ID No.	51757						
Reg. Ent. Reference No.	RN102605136						
	Water Quality					Daveset Tetauset	Years of
Violation No.	3					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	٧rs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Meni Descripcion	NO CORRINGS OF \$						
Delayed Costs							
Delayeu Costs Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	10-Nov-2015	23-Dec-2015	0.12	\$1	n/a	\$1
Remediation/Disposal Permit Costs	\$500	10-Nov-2015	23-Dec-2015	0.12	\$3 \$0	n/a	\$3 \$0
Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estimated (cost to properly c	the d ean the areas a	ate of o	compliance. I by the sulfur disc	the investigation da harge and dispose on the date of compliar	of the spilled
Avoided Costs	ANNIIAI	IZE [1] avoided	costs before	antorii	no item (evcent	for one-time avoi	led costs)
Disposal				0.00		\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		L		0.00	<u> \$0 </u>	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$600			TOTAL		\$4

Case ID No. 51757 Reg. Ent. Reference No. RN102605136 Media [Statute] Water Quality Enf. Coordinator Larry Buller Violation Number Rule Cite(s) Violation Description Text. Water Quality Actual Description Text. Water Quality Text. Water Quality Text. Water Quality	Screening Date	Year or a second	PCW
Red. Ent. Reference No. RistOc603136 Media [Statute] Water Quality Enf. Coordinator Unidation Number 4 Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004074000, Permit Conditions No. 2.9 Falled to preven the unanthorized doctorage of industrial wassewater into or address of the containment level and standing address or the containment level and standing address or the containment level and standing attention was one of the containment level and standing attention was one of the containment level and standing attention was one of the containment level and standing attention was on the pround outside of the containment level and standing attention was on the pround outside of the containment level in the truty. **Violation Description** **Violation Property and Human Health Matrix** Harm Release ***Major** **Major** **Majo		' ' '	Policy Revision 4 (April 2014)
Media [Statute] Water Quality Enf. Coordinator Larry Buller Violation Number Rule Cite(s) Falled to prevent the unauthorized discharge of industrial wastewater into or adjacent to any waste in the state, as decumented during an investigation of from overhead stam lines on the cutside of the containment lever in the truck suffur place was not be ground outside of the containment lever in the truck suffur place area, Additionally, it was noted that steam condensate from a steam relief pipe located on the north side of the Fallity was running down the bank into the Reches River. Base Penalty \$25,000 **Percent** **Programmatic Matrix** **Patential** **Pat			FCW REVISION Planet 20, 2014
Violation Number Rule Cite(s) Tex., Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(b), and TPOES Permix to. Wi0004074000, Permit Conditions No. 2.9. Falled to prevent the unauthorized discharge of industrial waterwater into or adjacent to any water in the state, as documented during an investigation conducted on November 10, 2015. Specifically, steam condensate was oripping from overhead steam lines on the outside of the contaminent leves in the truck attention of the property and Human Realth Matrix Marinx Major Moderate Minor Release Major Moderate Minor Release Major Moderate Minor Release Major Moderate Minor Percent 5.0% Percent 5.0			
Tex. Near Code § 26.12(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES		T	
Femile to, Wighole-P7-R00, Pemile Conditions No. 2, g Fallet to prevent the unauthorized discharge of industrial wastewater into or adjacent to any water in the state, as documented during an investigation conducted on November 10, 2015. Specifically, steam condensate was dripping from overhead steam lines on the outside of the containment lever and standing steam condensate was on the ground outside of the containment lever in the truck stiffer place and standing steam condensate was on the ground outside of the containment lever in the truck stiffer place and standing steam condensate was on the ground outside of the containment lever in the truck stiffer place and standing steam condensate was on the ground outside of the containment lever in the truck stiffer place and standing steam condensate was on the ground outside of the containment lever in the truck stiffer place and standing steam condensate was on the ground outside of the containment lever in the truck structure. **Section** **Release** **Major** **Release** **Major** **Neches River.* **Percent** **Percent** **Percent** **Programmable Hating **Percent** **Programmable Hating **Neches River.* **Percent** **Programmable Hating **Percent** **Programmable Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed sevels that are protective of human health or environmental receptors as a result of this violation. **Programmable Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed sevels that are protective of human health or environmental receptors as a result of this violation. **Programmable Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed sevels that are protective of human health or environmental receptors as a result of this violation exceed sevels that are protective of human health or environmental receptors as a result of this violation exceed sevels that are protecti			
Adjustment with any water in the state, as documented during an investigation conducted on November 10, 2015. Specifically, texam condensate was dripping from neverhead steam lines on the outside of the containment levee and standing steam condensate was on the ground outside of the containment levee and standing steam condensate was on the ground outside of the containment levee in the truck suffur jet area. Additionally, it was noted that steam condensate from a steam relief pipe located on the north side of the Folkily was unning down the bank into the Neches River. Base Penalty \$25,000 **Percent 5.0%* **Percent 5.0%* **Programmatic Matrix* Release Major Moderate Minor Percent 0.0%* **Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of this violation. **Adjustment 323,750 **Adjustment 43 Number of violation days **Violation Events* Number of Violation Events 1 43 Number of violation days **Violation Base Penalty 51,250 **One quarterly event is recommended from the investigation date of November 10, 2015 to the compliance date of December 23, 2015. **Seconomic Benefit (EB) for this violation Estimated EB Amount 564 Violation Final Penalty Total 51,876		Bornard CO	ES
>> Environmental, Property and Human Health Matrix Name	Violation Description	adjacent to any water in the state, as documented during an investigation conducted on November 10, 2015. Specifically, steam condensate was drippi from overhead steam lines on the outside of the containment levee and stand steam condensate was on the ground outside of the containment levee in the t sulfur pit area. Additionally, it was noted that steam condensate from a steam pipe located on the north side of the Facility was running down the bank into	ing ing ruck relief
National Process	·	Base Per	nalty \$25,000
Release Major Moderate Minor Potential X Percent 5.0% Percent 0.0% Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Matrix Notes Major Moderate Minor Percent 0.0%	>> Environmental, Proper		
Percent 5.0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Adjustment \$23,750	Release		
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of numan health or environmental receptors as a result of this violation. Adjustment			
Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Adjustment \$23,750	Potential	Percent 5.0%	
Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Adjustment \$23,750	>>Programmatic Matrix		
Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Adjustment \$23,750	Falsification		
Notes not exceed levels that are protective of human health or environmental receptors as a result of this violation. Adjustment \$23,750 \$1,250 Violation Events Number of Violation Events 1		referre 0.0%	
Notes	Human health	or the environment has been exposed to insignificant amounts of pollutants tha	it do
Violation Events Number of Violation Events Adaily weekly monthly weekly monthly semiannual single event One quarterly event is recommended from the investigation date of November 10, 2015 to the compliance date of December 23, 2015. Good Faith Efforts to Comply Extraordinary Ordinary X (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Estimated EB Amount \$64 Violation Final Penalty Total \$1,876	unor exceed lev		fthis
Violation Events Number of Violation Events		violation.	
Violation Events Number of Violation Events		Adjustment \$23	7.750
Number of Violation Events A3			
Number of Violation Events 1 43 Number of violation days Weekly			\$1,230
Maily Weekly Monthly Weekly Monthly Weekly Weekly Monthly Weekly Weekly Monthly Weekly Monthly Weekly	Violation Events		
Weekly monthly quarterly semiannual annual single event One quarterly event is recommended from the investigation date of November 10, 2015 to the compliance date of December 23, 2015. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876	Number of V	/iolation Events Number of violation days	
Weekly monthly quarterly semiannual annual single event One quarterly event is recommended from the investigation date of November 10, 2015 to the compliance date of December 23, 2015. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,250	. !	faily (modernion)	
The Respondent achieved compliance by December 23, 2015. Violation Subtotal Statutory Limit Test Wiolation Base Penalty \$1,250 \$1,250 \$1,250 \$2,2015 \$1,250 \$2,2015 \$1,250 \$2,2015			
With an x semiannual single event One quarterly event is recommended from the investigation date of November 10, 2015 to the compliance date of December 23, 2015. Good Faith Efforts to Comply 25.0% Reduction \$312 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876	mark only one	· · · · · · · · · · · · · · · · · · ·	41.250
One quarterly event is recommended from the investigation date of November 10, 2015 to the compliance date of December 23, 2015. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,876			iaity \$1,250
One quarterly event is recommended from the investigation date of November 10, 2015 to the compliance date of December 23, 2015. Good Faith Efforts to Comply 25.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876		annual annual .	
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Compliance date of December 23, 2015. Sood Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876	One quarter	by syant is recommended from the investigation data of Newmber 10, 2015 to t	
Extraordinary Ordinary x N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876	One quarter		
Extraordinary Ordinary X N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876			
Extraordinary Ordinary N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,876	Good Faith Efforts to Com		tion \$312
N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Conomic Benefit (EB) for this Violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876			
Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$938 Conomic Benefit (EB) for this Violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876		Ordinary x	
Violation Subtotal \$938 conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876		N/A (mark with x)	
Violation Subtotal \$938 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876		NOTES	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876		2015.	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$64 Violation Final Penalty Total \$1,876		Violation Subt	otal ¢938
Estimated EB Amount \$64 Violation Final Penalty Total \$1,876			
	Economic Benefit (EB) for	this violation Statutory Limit Tes	t .
This violation Final Assessed Penalty (adjusted for limits) \$1,876	Estimate	d EB Amount \$64 Violation Final Penalty T	otal \$1,876
		This violation Final Assessed Penalty (adjusted for lim	iits) \$1,876

Media Violation No.	RN102605136 Water Quality					Percent Interest	Years of Depreciation
Violation No.	. 4					5.0	Depreciation 1!
	Thom Cock	Date Required	Final Date	V	Internet Caucal	Onetime Costs	EB Amount
Item Description		Date Required	rinai Date	115	Interest Saveu	Oneume Costs	LD MINUUIL
Ttem pestription	r Na commas or ≯						
Delayed Costs							
Equipment				0.00	\$0	I \$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$7,740	10-Nov-2015	23-Dec-2015	0.12	\$3	\$61	\$64
Land				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Record Keeping System				0.00	, po	iii a	40
Record Keeping System Training/Sampling				0.00	\$0	n/a	\$0
					the second secon	processing the second s	~~ ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Training/Sampling				0.00 0.00 0.00	\$0 \$0 \$0	n/a n/a n/a	\$0 \$0 \$0
Training/Sampling Remediation/Disposal	discharged st	eam condensate f	rom non-permi	0.00 0.00 0.00 0.00 turn pu	\$0 \$0 \$0 \$0 sumps, containmen	n/a n/a n/a n/a t curbing, and berm the main containm	\$0 \$0 \$0 \$0 \$0 s to capture ent area that is
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are the stea	\$0 \$0 \$0 \$0 umps, containmen eas and route it to um relief pipe locat ent area, which is	n/a n/a n/a n/a n/a n/a t curbing, and berm the main containm ted on the north sid- pumped and haule	\$0 \$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are he stea ntainm	\$0 \$0 \$0 \$0 sumps, containmen eas and route it to am relief pipe locat ent area, which is ag item (except	n/a n/a n/a n/a n/a n/a t curbing, and berm the main containm ed on the north sid- pumped and hauled	\$0 \$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are the stea ntainm	\$0 \$0 \$0 \$0 umps, containmen eas and route it to um relief pipe local ent area, which is ng item (except	n/a n/a n/a n/a n/a n/a t curbing, and berm the main containmed on the north side pumped and hauled	\$0 \$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are the stea ntainm enterii 0.00 0.00	\$0 \$0 \$0 \$0 umps, containmen eas and route it to am relief pipe local ent area, which is ng item (except	n/a n/a n/a n/a n/a n/a t curbing, and berm the main containmed on the north side pumped and hauled for one-time avoid \$0 \$0	\$0 \$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site. ded costs) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are he stea ntainm enterii 0.00 0.00	\$0 \$0 \$0 \$0 umps, containment as and route it to am relief pipe locate that area, which is so that area and the south area and	n/a n/a n/a n/a n/a n/a n/a t curbing, and berm the main containmed on the north side pumped and hauled for one-time avoid \$0 \$0 \$0	\$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site. ded costs) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are the stea ntainm enterii 0.00 0.00 0.00	\$0 \$0 \$0 \$0 umps, containment as and route it to am relief pipe location area, which is the solution of the s	n/a n/a n/a n/a n/a n/a t curbing, and berm the main containmed on the north side pumped and hauled for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site. ded costs) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are the stea ntainm enteria 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 umps, containmen eas and route it to um relief pipe locat ent area, which is ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a t curbing, and berm the main containmed on the north side pumped and hauled for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site. ded costs) \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 eturn putted arche stea ntainm enterii 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 umps, containmen eas and route it to m relief pipe local ent area, which is ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a n/a n/a t curbing, and berm the main containm ed on the north sid pumped and hauler for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site. ded costs) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	discharged st monitored at to disch	eam condensate f Outfall No. 001; a narge into the doc	rom non-permit and to reroute t k water tank co	0.00 0.00 0.00 0.00 turn putted are the stea ntainm enteria 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 umps, containmen eas and route it to um relief pipe locat ent area, which is ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a t curbing, and berm the main containmed on the north side pumped and hauled for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 s to capture ent area that is e of the Facility d off site. ded costs) \$0 \$0 \$0 \$0

Respondent Mortin Operating Fartmentip L.P. Respondent Mortin Operating Fartmentip L.P. Respondent Mortin Operating Fartmentip L.P. Respondent Mortin Operation Fartmentip L.P. Respondent Mortin Ope	Screening Date		PCW
Reg. Ent. Reference No. RNI02603135 Media [Statute] Enf. Coordinator Lany Suder Violation Number Rule Cite(s) Tot. Water Coality From No. W00000174000, Operational Requirements No. 11.a Cassed, suffered, silowed, or permitted the storage of industrial salid water in such a marrier to as to cause the discharge or immerinent threat of discharge or industrial salid water in such a marrier to as to cause the discharge or immerinent threat of discharge and industrial salid water in such a marrier to as to cause the discharge or immerinent threat of discharge or industrial and industrial salid water in such a marrier to as to cause the discharge or immerinent threat of discharge or industrial salid water in such a marrier to as to cause the discharge or industrial salid water in such a marrier to as to cause the discharge or industrial salid water in the state, as decrumented during an attention of marrier to as to cause the discharge or industrial salid water in the state, as decrumented discharge or industrial and industrial salid water in the state, as decrumented discharge or industrial salid water in the state of the such as a sta		•	
Media [Statute] Weter Quality	사람들이 사용되는 사람들이 가장 가장 하면 하고 있다면 하는 것이 없는 것이 없다면 없는 것이 없다면 없는 것이다면 없는 것이다면 다른 것이다면 없는 것이다면 없는 것이다면 없다면 없다면 없다면 없다면 없다면 없다면 없다면 없다면 없다면 없		PCW Revision March 26, 2014
End. Coordinator Larry Butler Street			
Tex: Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and 335.4, and 17PDES Permit No. WQC00047R000, Operational Requirements No. 11.4 Calcad. suffere, allowed, in permitted the storage of industrial solid waste in such a manner so as to cause the discharge or inminent threat of discharge of industrial solid waste in variety of a manner so as to cause the discharge or inminent threat of discharge of industrial solid waste in variety in the state, as documented during an investigation conducted on Nevember 10, 2015. Specifically, a drum located outside the rorfed area was messing a bring plug, and a drum labeled Price OX located under the rorfed area was messing a bring plug, and a drum labeled Price OX located under the rorfed area was messing a bring plug, and a drum labeled Price OX for the drum. Base Penalty \$25,000 **Programmatic Matrix** Testification Major Moderate Minor Percent 3.0% **Programmatic Matrix** Testification Major Moderate Minor Percent 0.0% **Human health or the environment will or could be espozed to insignificant amounts of pollutants that would not exceed levels that see profection of spream health or environmental receptors as a result of the violation. **Violation Events** Number of Violation Events 1 43 Number of violation days **Set Text and the violation Events 1 43 Number of violation days **Set Text and the violation Events 1 43 Number of violation days **Set Text and the violation Events 1 43 Number of violation subtotal 1 5187 **Reduce to Comply** **Testification 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
Caused, suffered, allowed, or permitted the storage of industrial solid waste in to a dispersion of the storage of industrial solid waste in to a dispersion threat of discharge of influstrial solid waste into or adjacent to any water in the state, as documented during an investigation conducted on Neverther 10, 2015. Specifically, a drain labeled the morfed storage area was full of liquid and missing buring pluss, a drain labeled Pine DX located under the norfed area was missing a buring pluss, and atum labeled Caprinus Oil XI SAE 40 located on the edge of the norfed area had an only substance spilled on the tup of the druin. Base Penalty			
a manner so as to cause the discharge or intometent threat of discharge of industrial solid waste into an adjacent to any water in the state, as documented during an investigation conducted on November 10, 2015. Specifically, a drum located outside the rorfed storage area was full of fluid and missings burg plusp, and a drum labeled Price XD located under the rorfed area was missing a burg plug, and a drum labeled Price XD located under the rorfed area was missing a burg plug, and a drum labeled Price XD located under the rorfed area was missing a burg plug, and a drum labeled Caprinus Dil XD SAS 40 located on the edge of the rorfed area had an only substance spilled on the top of the drum. Base Penalty >> Programmatic Matrix	Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 335	- 1
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Moderate Minor Percent 3.0%	Violation Description	a manner so as to cause the discharge or imminent threat of discharge of indust solid waste into or adjacent to any water in the state, as documented during a investigation conducted on November 10, 2015. Specifically, a drum located out the roofed storage area was full of liquid and missing bung plugs, a drum label Pine DX located under the roofed area was missing a bung plug, and a drum lab Caprinus Oil XR SAE 40 located on the edge of the roofed area had an oily	trial an tside led
Actual Potential X Percent 3.0% > Programmatic Matrix Faisification Mojor Moderate Minor Percent 0.0% Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Matrix Notes		Base Pen	alty \$25,000
Actual Potential X Percent 3.0% > Programmatic Matrix Faisification Mojor Moderate Minor Percent 0.0% Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Matrix Notes	>> Environmental Prope	ty and Human Health Matrix	'
Percent 3.0% > Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$24,250	•	Harm	
>>Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Percent 0.0% Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$24,250 \$750 Violation Events Number of Violation Events 1 43 Number of violation days Weekly Moderate Minor Falsification Percent 0.0% Falsification Adjustment Falsification Adjustment Falsification Falsif		Major Moderate Minor	
Adjustment Statutory Limit Test Statutory Limit Test		Percent 3.0%	
Adjustment Statutory Limit Test Statutory Limit Test			
Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment		Major Moderate Minor	
Notes that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment			
Notes that would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment		estessive on regenulus processus — servicinaments — servicinaments — servicinaments — servicinaments — servicinaments	911111
Seconomic Benefit (EB) for this violation \$10 \$1			
Violation Events Number of Violation Events Number of Violation Events	Notes		
Violation Events Number of Violation Events Number of Violation Events	220000000000000000000000000000000000000		
Number of Violation Events A3 Number of violation days		Adjustment \$24,	,250]
Number of Violation Events 1 43 Number of violation days daily weekly monthly quarterly semiannual annual single event			\$750
Number of Violation Events 1 43 Number of violation days daily weekly monthly quarterly semiannual annual single event	Violation Events		
daily weekly monthly duarterly semiannual annual single event x			######
Weekly monthly quarterly semiannual annual single event X One single event is recommended. Good Faith Efforts to Comply 25.0% Reduction \$187	Number of \	iolation Events 43 Number of violation days	
mark only one with an x Comply		daily	
Good Faith Efforts to Comply Extraordinary Ordinary N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal Statutory Limit Test Estimated EB Amount \$1,126			
Semiannual annual single event x One single event is recommended. One single event is recommended. Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary X	mark only one		alty ¢750
Good Faith Efforts to Comply 25.0% Reduction \$187 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary X (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126	with an x		arty \$750
One single event is recommended. Specific Notes Spec			
Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,126		single event x	
Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,126			
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126		One single event is recommended.	
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126		AND THE CONTROL OF TH	
Extraordinary Ordinary N/A Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126	Good Faith Efforts to Com		tion \$187
Ordinary X N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126			
N/A (mark with x) Notes The Respondent achieved compliance by December 23, 2015. Violation Subtotal \$563 Economic Benefit (EB) for this Violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126			
Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126			
Violation Subtotal \$563 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126		The Respondent achieved compliance by December 23,	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1 Violation Final Penalty Total \$1,126		NOTES	
Economic Benefit (EB) for this violation Estimated EB Amount \$1 Violation Final Penalty Total \$1,126			
Estimated EB Amount \$1 Violation Final Penalty Total \$1,126		Violation Subto	otal \$563
Estimated EB Amount \$1 Violation Final Penalty Total \$1,126	Economic Benefit (EB) for	this violation Statutory Limit Test	Į.
This violation Final Assessed Penalty (adjusted for limits) \$1,126	Estimate	November 1997	\
		This violation Final Assessed Penalty (adjusted for limi	its) \$1,126

eg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)							
Notes for DELAYED costs		t to install the mis		s, prop		n/a material from the d igation date. Final o	
, ,	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, prop ate rec implian	erly clean the oily juired is the invest ce date.	material from the d	irum, and place date is the
Notes for DELAYED costs	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, prop ate rec implian enterir 0.00	erly clean the oily quired is the invest ce date. ng item (except \$0	material from the d igation date. Final o for one-time avoid \$0	lrum, and place date is the ded costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, properte recompliant	erly clean the oily quired is the invest ce date. ng item (except 1 \$0 \$0	material from the digation date. Final defendance of the formula o	drum, and place date is the ded costs) \$0,000
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, proplate recomplian enterir 0.00 0.00 0.00	erly clean the oily quired is the invest ce date. ng item (except \$0 \$0	material from the d igation date. Final of for one-time avoid \$0 \$0 \$0	rum, and place date is the ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, proplate recomplian enterir 0.00 0.00 0.00 0.00	erly clean the oily quired is the invest ce date. ng item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	material from the digation date. Final control for one-time avoid \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, properties, pro	erly clean the oily quired is the invest ce date. ng item (except in the second secon	material from the digation date. Final digation date. Final digation date avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, properties of the control of the	erly clean the oily quired is the invest ce date. ng item (except is 0 s 0 s 0 s 0 s 0 s 0 s 0 s 0 s 0 s	material from the digation date. Final digation digati	lrum, and place date is the ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated cos the drun	t to install the mis ns under the stora	sing bung plug ge area roof. D cc	s, properties, pro	erly clean the oily quired is the invest ce date. ng item (except in the second secon	material from the digation date. Final digation date. Final digation date avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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PCW	**************************************	Screening Date	
Revision 4 (April 201 evision March 26, 20:		Kespondent Case ID No.	
		nt. Reference No.	
		Media [Statute] Enf. Coordinator	
		Violation Number	
	30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004074000, Other Requirements No. 2	Rule Cite(s)	
	Failed to perform all measurements, tests, and calculations in a representative manner to ensure the accurate reporting of data, as documented during an investigation conducted on November 10, 2015. Specifically, instead of the necessary statement and a value of zero (0), the detection limit of 0.005 milligrams per liter was reported for daily average and daily max copper values on the September 2015 discharge monitoring report ("DMR").	Violation Description	V
\$25,00	Base Penalty	·	
	rty and Human Health Matrix Harm	••••••••	> Enviro
	Major Moderate Minor	Release Actual	OR
	Percent 0.0%	Potential	
		rammatic Matrix	>Progra
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	100% of the rule requirement was not met.	Matrix	Ŋ
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	One single event is recommended.		
\$31	ply25.0% Reduction Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	ith Efforts to Comp	ood Fait
	Extraordinary		
	Ordinary x N/A (mark with x)		
	Notes The Respondent achieved compliance by December 22, 2015.		
\$97	Violation Subtotal		
\$93	Violation Subtotal	a elpane	
\$93	this violation Statutory Limit Test	c Benefit (EB) for	onomic
\$93 \$1,87			onomic

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	•	ing Partnership L.	Р.				ana gana mma suseessa ansa an ma assummanas
Reg. Ent. Reference No.	RN102605136 Water Quality	•					Years of
Violation No.						Percent Interest	Depreciation
Violation No.	Ü					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	10-Nov-2015	22-Dec-2015	0.12	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	parameter is	less than or equi inves	al to the minimu tigation date. Fi	m anal nal date	lytical level listed i e is the date of co	when the sample re- n the permit. Date in mpliance. for one-time avoid	required is the
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	<u>\$0</u>
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment		F		0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		\$1



EQ Compliance History Report

PUBLISHED Compliance History Report for CN601535925, RN102605136, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, CN601535925, Martin Operating Partnership L.P.

Classification: SATISFACTORY

Rating: 1.62

or Owner/Operator: Regulated Entity:

RN102605136, Stanolind Cut Terminal

Classification: HIGH

Rating: 0.00

Complexity Points:

8

Repeat Violator: NO

CH Group:

14 - Other

Location:

NUMBER 10 SULPHUR PLANT ROAD, 0.7 MILE EAST OF THE INTERCHANGE OF STATE HIGHWAY 380 AND

UNITED STATES ROUTE 69, SOUTHEAST OF BEAUMONT, JEFFERSON COUNTY, TEXAS

TCEQ Region:

REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0004074000

WASTEWATER EPA ID TX0116921

AIR NEW SOURCE PERMITS REGISTRATION 39951

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0822N

AIR NEW SOURCE PERMITS REGISTRATION 79714

AIR NEW SOURCE PERMITS REGISTRATION 81521

AIR NEW SOURCE PERMITS REGISTRATION 50624

AIR NEW SOURCE PERMITS AFS NUM 4824500685

STORMWATER PERMIT TXR05BN24

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0822N

POLLUTION PREVENTION PLANNING ID NUMBER P07388

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: March 02, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 02, 2011 to March 02, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Larry Butler

Phone: (512) 239-2543

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If YES for #2, who is the current owner/operator?

N/A

4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?

N/A

5) If **YES**, when did the change(s) in owner or operator occur?

N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

Final Orders, court judgments, and consent decrees:

Effective Date: 02/04/2016

ADMINORDER 2015-0090-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: Eff. Lim. Mon. Req. Nos. 1 and 2 PERMIT

Description: Failed to comply with permitted effluent limits.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 20, 2011	(904864)	Item 31	June 18, 2013	(1112069)
Item 2	February 15, 2011	(910786)	Item 32	July 11, 2013	(1119006)
Item 3	March 11, 2011	(918044)	Item 33	August 17, 2013	(1126767)
Item 4	April 12, 2011	(932361)	Item 34	September 23, 2013	(1131300)
Item 5	May 16, 2011	(939751)	Item 35	October 22, 2013	(1137054)
Item 6	June 13, 2011	(947168)	Item 36	November 28, 2013	(1143490)
Item 7	July 20, 2011	(955424)	Item 37	December 21, 2013	(1148901)
Item 8	August 16, 2011	(962046)	Item 38	January 18, 2014	(1154983)
Item 9	September 20, 2011	(967096)	Item 39	February 20, 2014	(1162298)
Item 10	October 13, 2011	(973061)	Item 40	March 19, 2014	(1169949)
Item 11	November 19, 2011	(979190)	Item 41	April 19, 2014	(1176103)
Item 12	December 21, 2011	(986033)	Item 42	May 16, 2014	(1182324)
Item 13	January 18, 2012	(992384)	Item 43	June 19, 2014	(1189222)
Item 14	February 10, 2012	(1000819)	Item 44	July 18, 2014	(1195524)
Item 15	March 21, 2012	(1005242)	Item 45	August 17, 2014	(1202363)
Item 16	April 19, 2012	(1011819)	Item 46	October 18, 2014	(1208538)
Item 17	May 21, 2012	(1018178)	Item 47	November 19, 2014	(1220185)
Item 18	June 09, 2012	(1008762)	Item 48	December 17, 2014	(1227032)
Item 19	June 14, 2012	(1025919)	Item 49	January 14, 2015	(1232999)
Item 20	July 09, 2012	(1033272)	Item 50	February 20, 2015	(1243992)
Item 21	August 20, 2012	(1039788)	Item 51	March 19, 2015	(1250364)
Item 22	September 18, 2012	(1045767)	Item 52	April 17, 2015	(1257258)
Item 23	October 18, 2012	(1069384)	Item 53	May 20, 2015	(1264038)
Item 24	November 19, 2012	(1069385)	Item 54	June 18, 2015	(1271128)
Item 25	December 26, 2012	(1069386)	Item 55	July 15, 2015	(1245611)
Item 26	January 21, 2013	(1082764)	Item 56	July 16, 2015	(1278683)
Item 27	February 24, 2013	(1082763)	Item 57	August 18, 2015	(1284866)
Item 28	March 24, 2013	(1091133)	Item 58	September 17, 2015	(1291977)
Item 29	April 15, 2013	(1097467)	Item 59	November 20, 2015	(1303600)
Item 30	May 18, 2013	(1109555)		•	,

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date:

09/30/2015 (1298152)

CN601535925

Self Report? YES

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits:

G. Type of environmental management systems (EMSs):

1

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Texas Commission on Environmental Quality



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	THE VAC COMMUNICATOR OF A
MARTIN OPERATING	§	TEXAS COMMISSION ON
PARTNERSHIP L.P.	§	
RN102605136	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2016-0096-MLM-E

I. JURISDICTION AND STIPULATIONS

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Martin Operating Partnership L.P. (the "Respondent") under the authority of Tex. Health & Safety Code ch. 361 and Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a storage and distribution facility located at Number 10 Sulphur Plant Road, 0.7 mile east of the interchange of State Highway 380 and United States Route 69, southwest of Beaumont, Jefferson County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial solid waste as defined in Tex. Health & Safety Code ch. 361. The Respondent has discharged industrial waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 10, 2016.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Fourteen Thousand Two Hundred Fifty-Three Dollars (\$14,253) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Seven Hundred Three Dollars (\$5,703) of the administrative penalty and Two Thousand Eight Hundred Fifty Dollars (\$2,850) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Seven Hundred Dollars (\$5,700) shall be conditionally offset by the Respondent's completion of two Supplemental Environmental Projects ("SEPs")
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By December 22, 2015, updated the Facility's operational guidance to ensure the proper calculation and necessary statement are utilized for reporting zero (o) on the monthly discharge monitoring reports ("DMRs") when the sample result for any parameter is less than or equal to the minimum analytical level listed in the permit.
 - b. By December 23, 2015:
 - i. Upgraded the maximum capacity of the metals treatment system to 200 gallons per minute, allowing for the proper management of wastewater during periods of elevated rainfall;
 - ii. Updated the Facility's operational guidance to ensure spilled sulfur is properly handled and the areas affected by the sulfur discharge are cleaned;
 - iii. Cleaned the areas affected by sulfur discharges and properly disposed of the spilled sulfur;
 - iv. Installed a capture sump, return pumps, containment curbing, and berms to capture discharged steam condensate from non-permitted areas and route it to the main containment area that is monitored at Outfall No. 001;

- v. Rerouted the steam relief pipe located on the north side of the Facility to discharge into the dock water tank containment area, which is pumped and hauled off site; and
- vi. Installed the missing bung plugs, properly cleaned the oily material from the drum, and placed the drums under the storage area roof.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to prevent the bypass of untreated or partially treated industrial wastewater into or adjacent to any water in the state, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 305.535(c)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004074000, Permit Conditions No. 2.h., as documented during an investigation conducted on November 10, 2015. Specifically, industrial wastewater bypassed the metals treatment system from July 18 through July 20, 2014, that resulted in the failure to comply with permitted effluent limitations for pH and Total Zinc. The permitted limit for pH is between 6.0 standard units (S.U.) and 9.0 S.U. and the permitted limit for Total Zinc daily maximum and single grab is 0.449 milligrams per liter (mg/L). The values reported on the noncompliance notification were 2.2 S.U. and 2.3 S.U for pH, and 2.061 mg/L and 1.661 mg/L for Total Zinc.
- 2. Failed to prevent the bypass of untreated or partially treated industrial wastewater into or adjacent to any water in the state, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 305.535(c)(1), and TPDES Permit No. WQ0004074000, Permit Conditions No. 2.h., as documented during an investigation conducted on November 10, 2015. Specifically, industrial wastewater bypassed the metals treatment system from June 26 through June 28, 2014, that resulted in the failure to comply with permitted effluent limitations for Total Zinc. The permitted limit for Total Zinc daily maximum and single grab is 0.449 mg/L. The value reported on the non-compliance notification was 0.539 mg/L.
- 3. Caused, suffered, allowed, or permitted the unauthorized discharge of industrial solid waste, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code

§§ 305.125(1) and 335.4, and TPDES Permit No. WQ0004074000, Operational Requirements No. 11.a, as documented during an investigation conducted on November 10, 2015. Specifically, several sulfur spills were noted along the rail line on the southeast side of the Facility; inside the southeast side of the bermed area of the tank farm; and on the ground in the truck sulfur pit on the northeast side of the Facility.

- 4. Failed to prevent the unauthorized discharge of industrial wastewater into or adjacent to any water in the state, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004074000, Permit Conditions No. 2.g, as documented during an investigation conducted on November 10, 2015. Specifically, steam condensate was dripping from overhead steam lines on the outside of the containment levee and standing steam condensate was on the ground outside of the containment levee in the truck sulfur pit area. Additionally, it was noted that steam condensate from a steam relief pipe located on the north side of the Facility was running down the bank into the Neches River.
- 5. Caused, suffered, allowed, or permitted the storage of industrial solid waste in such a manner so as to cause the discharge or imminent threat of discharge of industrial solid waste into or adjacent to any water in the state, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 335.4, and TPDES Permit No. WQ0004074000, Operational Requirements No. 11.a, as documented during an investigation conducted on November 10, 2015. Specifically, a drum located outside the roofed storage area was full of liquid and missing bung plugs, a drum labeled Pine DX located under the roofed area was missing a bung plug, and a drum labeled Caprinus Oil XR SAE 40 located on the edge of the roofed area had an oily substance spilled on the top of the drum.
- 6. Failed to perform all measurements, tests, and calculations in a representative manner to ensure the accurate reporting of data, in violation of 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004074000, Other Requirements No. 2, as documented during an investigation conducted on November 10, 2015. Specifically, instead of the necessary statement and a value of zero (0), the detection limit of 0.005 milligrams per liter was reported for daily average and daily max copper values on the September 2015 DMR.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

"TCEQ" and shall be sent with the notation "Re: Martin Operating Partnership L.P., Docket No. 2016-0096-MLM-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall implement and complete two SEPs in accordance with Tex. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Seven Hundred Dollars (\$5,700) of the assessed administrative penalty shall be offset with the condition that the SEPs defined in Attachment A and Attachment B, incorporated herein by reference, are implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreements.
- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent.
 The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

For the Commission

SIGNATURE PAGE

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director	9(2)16 Date
I, the undersigned, have read and understand the attacagree to the attached Agreed Order on behalf of the endo agree to the terms and conditions specified therein accepting payment for the penalty amount, is material	tity indicated below my signature, and I . I further acknowledge that the TCEQ, in
 I also understand that failure to comply with the Order and/or failure to timely pay the penalty amount, may reach a negative impact on compliance history; Greater scrutiny of any permit applications subtoned and the compliance of this case to the Attorney General's Control additional penalties, and/or attorney fees, or to additional penalties in any future enforcement of Automatic referral to the Attorney General's Officiand TCEQ seeking other relief as authorized by laws In addition, any falsification of any compliance documents. 	result in: omitted; Office for contempt, injunctive relief, o a collection agency; actions; Office of any future enforcement actions;
Signature Singularies	MAY 6, 2016 Date
Scor Shoup Name (Printed or typed) Authorized Representative of Martin Operating Partnership L.P.	SR VP OPERATIONS Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A

Docket Number: 2016-0096-MLM-E SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Martin Operating Partnership L.P.
Penalty Amount:	Eleven Thousand Four Hundred Three Dollars (\$11,403)
SEP Offset Amount:	Two Thousand Eight Hundred Fifty Dollars (\$2,850)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Big Thicket Association
Project Name:	Wetland Species and Ecosystems Analysis
Location of SEP:	Neches and Sabine River Basins

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Big Thicket Association** for the *Wetland Species and Ecosystem Analysis* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ. Specifically, the SEP Offset Amount will be used to inventory an additional taxonomic group, such as lichens, bryophytes, mussels, mollusks, amphibians, fish, or birds (the "Project"). The Project will involve collecting specimens from the Preserve as well as wetland properties in Orange and Jefferson Counties, which are in the process of being donated to the Preserve. Currently, a Memorandum of Understanding regarding the impending donation is in place that will allow inventory of these properties. These properties have never been inventoried and need data for resource management. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Martin Operating Partnership L.P. Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This Project will benefit the environment by identifying the biodiversity, both native and exotic, in wetland wildlife corridors to assist in stewardship and sustainability. It will also assess the state of pollution indicator species to determine the impact of pollution on the Preserve. Additionally, inventories will identify areas where invasive species are present and aid in the analysis of harmful invasive species spreads and their impacts so that areas for removal can be identified.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Big Thicket Association SEP** and shall mail the contribution with a copy of the Agreed Order to:

Big Thicket Association Attention: Jan Ruppel, President P.O. Box 198 Saratoga, Texas 77585

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087 Martin Operating Partnership L.P. Agreed Order - Attachment A

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or the Project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Attachment B

Docket Number: 2016-0096-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Martin Operating Partnership L.P.
Penalty Amount:	Eleven Thousand Four Hundred Three Dollars (\$11,403)
SEP Offset Amount:	Two Thousand Eight Hundred Fifty Dollars (\$2,850)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	National Audubon Society, Inc. d/b/a Audubon Texas
Project Name:	Texas Coastal Island Stewardship Program

Location of SEP:

Anderson, Andrews, Aransas, Archer, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bexar, Blanco, Borden, Bosque, Brazoria, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Castro, Chambers, Clay, Cochran, Coke, Coleman, Collin, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Crockett, Crosby, Dallas, Dawson, Denton, DeWitt, Dickens, Dimmit, Duval, Eastland, Ector, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Fort Bend, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Grayson, Grimes, Guadalupe, Hale, Hamilton, Hardin, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hunt, Irion. Jack, Jackson, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamb, Lampasas, La Salle, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Menard, Medina, Midland. Milam, Mills, Mitchell, Montague, Navarro, Nolan, Nueces, Palo Pinto, Parker, Parmer, Polk, Reagan, Real, Refugio, Robertson, Refugio, Runnels, San Patricio, San Saba. Schleicher, Scurry, Shackelford, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terry, Throckmorton, Tom Green, Travis, Trinity, Upton, Uvalde, Van Zandt, Walker, Waller, Washington, Victoria, Webb, Wharton, Willacy, Williamson, Wilson, Winkler, Wise, Yoakum, Young, and Zavala Counties

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment B.

Martin Operating Partnership L.P. Agreed Order - Attachment B

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the National Audubon Society, Inc. d/b/a Audubon Texas for the Texas Coastal Island Stewardship Program. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used for a portion of its lease payments for the islands where this Project will take place. The SEP Offset Amount will also be used for predator control activities, including traps, baits, fire ant control, and fuel for accessing the islands to place the traps and baits. Contractors will also be hired periodically to conduct larger-scale predator control activities such as feral hog removal. The Third-Party Administrator shall also use SEP Offset Amount for restoration activities, including planting native trees and shrubs. herbicide for invasive species removal, equipment such as rakes and shovels for manual invasive species removal, and fuel for transporting volunteers and staff for restoration activities. Restoration activities will also include purchase and disposal of a Bagster in order to remove collected trash from the islands. The Third-Party Administrator shall also purchase materials for building nesting towers, purchase "No Trespassing" signs, and hire a contractor to install the signs across the islands.

The Third-Party Administrator shall use the SEP Offset Amount for personnel labor through its warden program. Wardens shall conduct monitoring, habitat enhancement, and predator management. Wardens shall also conduct island management activities such as patrolling and counting bird populations by boat during the nesting season, developing new nesting habitat through plantings, and monitoring predator activity and erosion. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

Martin Operating Partnership L.P. Agreed Order - Attachment B

b. Environmental Benefit

The populations of many species of water bird located along the Texas coast have been declining. Healthy feeding and nesting habitats are essential to the water birds' ability to survive and successfully reproduce. This Project addresses threats to water bird habitats such as erosion and subsidence, loss of nesting vegetation, fire ants, human disturbance, and mammal predators. This Project will also improve water quality in and around the island sanctuaries.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **National Audubon Society, Inc. d/b/a Audubon Texas SEP** and shall mail the contribution with a copy of the Agreed Order to:

National Audubon Society, Inc. d/b/a Audubon Texas Attn.: Sharyl Sliger, Director of Finance & Administration 2201 Main Street, Suite 600 Dallas, Texas 75201

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087 Martin Operating Partnership L.P. Agreed Order - Attachment B

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment B, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment B and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.